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COMMITTEE ON THE ELIMINATION OF
DISCRIMINATION AGAINST WOMEN
Fifteenth session
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Item 5 of the provisional agenda*

IMPLEMENTATION OF ARTICLE 21 OF THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

Reports provided by specialized agencies of the United Nations on the implementation of the Convention in areas falling within the scope of their activities

Note by the Secretary-General

Addendum

INTERNATIONAL LABOUR ORGANIZATION

Introductory note

On behalf of the Committee, the Secretariat invited the International Labour Organization on 31 May 1995, to submit to the Committee by 1 September 1995, a report on information provided by States to ILO on the implementation of article 11 and related articles of the Convention on the Elimination of All Forms of Discrimination against Women, which would supplement the information contained in the reports of those States parties to the Convention which will be considered at the fifteenth session. These are the latest reports of Belgium, Cuba, Cyprus, Ethiopia, Hungary, Iceland, Israel, Paraguay, Philippines and Ukraine.

Other information sought by the Committee refers to the activities, programmes and policy decisions undertaken by ILO to promote the implementation of article 11 and related articles of the Convention on the Elimination of All Forms of Discrimination against Women.

The report annexed hereto has been submitted in compliance with the Committee's request. It is submitted in the languages it was received.

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* This document has not been edited.

REPORT OF

THE INTERNATIONAL LABOUR ORGANIZATION

UNDER ARTICLE 22 OF THE

CONVENTION ON THE ELIMINATION OF

ALL FORMS OF DISCRIMINATION AGAINST WOMEN

Geneva, September 1995

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Part I: Introductory Remarks

The provisions of article 11 of the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) are dealt with in a number of ILO Conventions. Of the 176 Conventions so far adopted by the International Labour Conference, the information in the attached report relates principally to the following instruments:

- the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), which has been ratified by 119 ILO member States;

- the Equal Remuneration Convention, 1951 (No. 100), which has been ratified by 124 member States;

- the Workers with Family Responsibilities Convention, 1981 (No. 156), which has been ratified by 22 member States.

Where applicable, reference is made to a number of other ILO Conventions which are relevant to the employment of women, including:

Employment Policy

- Employment Policy Convention, 1964 (No. 122)
- Human Resources Development Convention, 1975 (No. 142)

Maternity Protection

- Maternity Protection Convention, 1919 (No. 3)
- Maternity Protection Convention (Revised), 1952, (No. 103)

Night Work

- Night Work (Women) Convention, 1919 (No. 4)
- Night Work (Women) Convention (Revised), 1948 (No. 89) [and Protocol, 1990]
- Night Work Convention (No. 171), 1990

Underground Work

- Underground Work (Women) Convention, 1935 (No. 45)

The application of ratified Conventions is supervised by the Committee of Experts on the Application of Conventions and Recommendations, a body of independent experts from around the world, which meets annually. The information being submitted in the present report consists of copies of "observations" and "direct requests" made by the Committee of Experts. Observations are comments published in the Committee's annual report - produced in English, French and Spanish - which is submitted to the International Labour Conference; direct requests (which are produced in English and French and, in the case of Spanish-speaking countries, in English, French and Spanish) are not published, but are made public.

It will be noted that the Committee of Experts often includes references, in its own comments, to the information submitted by governments to the reports produced for the CEDAW or to the other United Nations treaty bodies and to their reports.

Part II: Indications concerning the situation of individual countries

BELGIUM

Position in regard to ILO Conventions
relating to women

I. Among the relevant ILO Conventions, Belgium has ratified Conventions Nos. 100 and 111, but not Convention No. 156. Belgium has also ratified Conventions Nos. 45 and 122: it had ratified, but subsequently denounced, Conventions Nos. 4 and 89 on night work for women.

II. Comments by the ILO supervisory bodies.

The pending comments of the ILO Committee of Experts on matters relevant to the provisions of the CEDAW relate to:

Convention No. 100 The 1994 direct request (**texts appended**) notes the measures being taken by workers' organizations, through collective bargaining, to improve wage equality for women, including obtaining access for women to posts and functions still reserved for or occupied largely by men; bringing up wage levels in the so-called "female sectors"; implementing positive action plans and plans to upgrade certain occupations usually filled by women; and increasing the minimum sectoral and inter-occupational wage rate. Employers' and workers' organizations have also adopted an equalization strategy for job classifications, with particular importance being attached to analysing and reviewing these classifications, which are considered responsible for many of the differences in men's and women's wages.

Reference is made to the Government's intention to amend legislation to ensure gender equality in occupational social security schemes (so as to adapt national legislation to the case law of the European Court of Justice) and to developments concerning equal treatment in regard to pre-pension indemnities.

Convention No. 111 There is no outstanding comment: in 1995, the Committee noted that the information provided in response to previous comments was satisfactory.

Convention No. 122 An observation of 1994 (**texts appended**) noted that the employment situation had deteriorated rapidly; and that the characteristics governing the distribution of unemployment in the various regions and categories of the population, already noted by the Committee in 1992, had persisted. In particular, the proportion of long-term unemployment remained especially significant. (In 1992, the Committee had observed that long-term unemployment continued to account for nearly two-thirds of total unemployment and affected, in particular, older workers, women and the least-skilled. It had also noted that the decline in unemployment among men was greater than that among women, for whom unemployment was tending to increase in relative terms.)

Convention No. 100: Equal Remuneration, 1951

Direct request 1994

Belgium (ratification: 1952)

The Committee notes the information supplied in the Government's report.

1. The Committee notes that there are still differences in the average wages of men and women, which can be attributed to structural causes. The Committee notes that this is borne out by the wage statistics published in the ILO *Bulletin of Labour Statistics* (1993-94), according to which, in 1991, average monthly earnings were 99,609 Belgian francs for men and 63,908 Belgian francs for women in the sectors other than agriculture, and respectively 101,007 Belgian francs and 64,116 Belgian francs in the manufacturing industries. It notes with interest the Government's indication that, in order to remedy the situation, workers' organizations are endeavouring, through collective bargaining, to obtain access for women to posts and functions still reserved for or largely occupied by men; to bring up wage levels in the so-called "female" sectors; to implement positive action plans and plans to upgrade certain occupations usually filled by women; and to increase the minimum sectoral and interoccupational wage. It also notes that employers' and workers' organizations have adopted an equalization strategy for job classifications and that they attach particular importance to analysing and reviewing these classifications, which they consider to be responsible for many of the differences in men's and women's wages.

The Committee would be grateful if the Government would provide with its next report detailed information on progress made in adopting and applying the above-mentioned measures envisaged by workers' organizations, including the review of the job classifications that is planned as part of the equalization strategy, and their impact in narrowing the wide differential between the average earnings of men and women, particularly in activities outside the agricultural sector and in the manufacturing industries.

2. The Committee notes that the text amending section 116 of the Act of 4 August 1978, which allows occupational social security schemes to be excluded from equal treatment for men and women, has not yet been adopted. It notes the Government's indication that this text serves merely to adapt the legislation formally to the case law of the Court of Justice of the European Community and will not change the development of national case-law. It asks the Government to provide details of the consequences of the amendment of section 116 of the Act of 4 August 1978 on the elimination, in practice, of inequalities in the treatment of men and women in occupational social security schemes, and in particular to indicate whether this section, as amended, could still be construed by the national courts as a justification for discrimination against women in respect of the elements of remuneration linked to occupational social security schemes.

3. With reference to its previous comments, the Committee notes the Government's indication that the National Labour Council claims that its construction (communication No. 5 of February 1991) of section 4 of Collective Agreement No.

Convention No. 100: Equal Remuneration, 1951

Direct request 1994

25 of 15 October 1977 is consistent with Community Directive No. 86/378, respecting equal treatment in social security schemes. The Committee also notes that, by a decision of 17 February 1993, the Court of Justice of the European Community considered that the pre-pension indemnities granted under the National Labour Council's Collective Agreement No. 17 of 19 December 1974 constitute remuneration within the meaning of Article 119 of the Treaty of Rome. According to the Government, however, such indemnities are still sometimes granted at different ages for women and for men (before age 60) and refused to women after the age of 60. The Committee notes with interest that a solution will be found in cooperation with the social partners. It asks the Government to indicate the measures taken, in cooperation with the employers' and workers' organizations, to give practical effect to the decision of the Court of Justice and Directive No. 86/378.

4. The Committee notes from the last annual report (1990) of the labour law inspectorate that only two inconsistencies were noted in respect of equal treatment for men and women, and asks the Government to continue to provide information on the practical effect given to the Convention, particularly as regards the activities of the labour inspectorate and developments in the case law on these matters.

CUBA

Position in regard to ILO Conventions
relating to women

I. Among the relevant ILO Conventions, Cuba has ratified Conventions Nos. 100 and 111, but not Convention No. 156. Cuba has also ratified Conventions Nos. 3 and 103 dealing with maternity protection, Convention No. 45 concerning underground work for women and Convention No. 122 dealing with employment policy. Conventions Nos. 4 and 89 dealing with night work for women have also been ratified, though the latter has been denounced.

II. Comments by the ILO supervisory bodies.

The pending comments of the ILO Committee of Experts on matters relevant to the provisions of the CEDAW relate to:

Convention No. 100 The 1994 direct request (**texts appended**) asked the Government to indicate the measures planned to bring the national Constitution and legislation (which enunciate the narrow principle of "equal pay for equal work") into conformity with the principle of "equal pay for work of equal value", laid down in the Convention. Further statistical information was requested to enable the Committee to evaluate how the equal remuneration principle is given effect in practice; and information was sought on the supervisory measures (labour inspection, court decisions) taken to ensure implementation of the principle.

Convention No. 111 The 1995 Observation is concerned with discrimination on the ground of "political opinion".

Convention No. 122 The 1995 Observation (**texts appended**) addresses the problem of unemployment in a general manner and does not raise specifically the question of women's employment.

Convention No. 100: Equal Remuneration, 1951

Direct request 1994

Cuba (ratification: 1954)

The Committee notes the Government's report and the information it contains in reply to its previous direct request.

1. The Committee noted previously that under section 99 of the 1984 Labour Code, workers received equal pay for equal work without discrimination, inter alia, on grounds of sex. It recalled that the principle of equal remuneration laid down in *Article 2, paragraph 1, of the Convention* has to be understood as being work of "equal value". The Committee notes that the Constitution of 1992 reasserts the principle of equal pay for equal work set out in the Labour Code and that, according to the Government, such equality is applied in practice for work of equal value, by means of the methodology used for appraising jobs and without any distinction between men and women workers. The Committee asks the Government to indicate in its next report the measures which it plans to take in order to bring the legislation into line with practice and with the Convention.

2. The Committee also notes the information on the wage system, the methods for appraising jobs (by means of points and comparison) and their application. The Committee also notes the text of Resolution No. 476 of 1 July 1980 establishing the wage scales and the corresponding rates for each occupational category. With regard to the wage statistics sent by the Government, the Committee regrets that the two tables do not indicate actual earnings in the public sector and the distribution of men and women employed at different levels; nor do they indicate the actual earnings of men and of women in the various sectors of activity and at different levels. The Committee recalls that such statistics are useful to it in evaluating how the principle of equal remuneration laid down in laws and regulations is applied in practice. It hopes that, in its next report, the Government will be able to provide such data (average actual earnings of men and women broken down, if possible, by occupation, sector of activity, seniority and level of qualifications, as well as information on the corresponding percentage of women.)

3. In addition, the Committee would be grateful if the Government would supply information on the measures taken to ensure supervision of the implementation of the provisions regulating equality of remuneration and, in particular, the activities of the labour inspectorate (infringements recorded, penalties imposed) and on court decisions.

Convention No. 122: Employment Policy, 1964

Observation 1995

Cuba (ratification: 1971)

1. The Committee notes the Government's report for the period ending June 1994. The Government states that its principal concern is to reduce under-employment with a view to increasing the effectiveness of the productive system. It states that it has now started the process of finding alternative employment for the surplus workforce, in conformity with the principles of social justice and equity. In addition to the restructuring of the workforce, the Government is seeking to promote the creation of new jobs, particularly jobs which do not require a high level of investment but which serve to provide the population with consumer goods and services. According to the report, the creation of useful jobs gives special priority to the tourism sector, which has the benefit of a substantial investment plan and where foreign capital plays an important role. The Government emphasizes that in the context of the current economic changes it has endeavoured to make its employment policy more flexible. The Committee notes these measures that have been taken with interest.

2. The Committee notes Decision No. 6/94 of 18 August 1994 on the conditions of employment and wages applicable to workers who have become surplus due to structural or institutional adjustments or to the decline in economic activity. These provisions are intended to improve the situation of such workers and to ensure that the state funds allocated to their protection are used in the most effective manner possible. Decision No. 6/94 has regard to alternative employment and skills training or retraining, as well as providing an income guarantee, but does not prevent workers from seeking jobs at their own initiative. Legislative Decree No. 141 of 8 September 1993 is intended to increase the numbers of self-employed persons.

3. In its previous comments, the Committee noted that the context for the application of the Convention was difficult, as confirmed by the information provided by the Government in its report. In order to be able to evaluate the labour market situation, the Committee would be grateful to be provided with the information requested in the report form approved by the Governing Body, including information on the situation, level and trends of employment, under-employment and unemployment. The Committee also hopes that the Government will supply additional information enabling it to assess fully the manner in which the Convention is applied and the employment policy measures decided upon and kept under review within the framework of a coordinated economic and social policy, in accordance with *Article 2 of the Convention*, with an indication in particular as to whether the measures described have contributed in practice to ensuring that work is as productive as possible. The Committee also recalls, as it has emphasized in its previous observations and in its comments on other basic Conventions, such as Conventions Nos. 29, 105 and 111, that the active employment policy must be aimed at ensuring that there is freedom of choice of employment and the fullest possible opportunity for each worker to qualify for

Convention No. 122: Employment Policy, 1964

Observation 1995

and obtain a job for which he is well suited *(Article 1, paragraph 2(c))*. The Committee trusts that in its next detailed report on the application of the Convention the Government will supply information and statistics indicating the results obtained in terms of employment through the labour market policy measures and overall or sectoral plans (in sectors such as tourism the pharmaceutical and medical industry, bio-technology, the food programme) to which it refers.

CYPRUS

Position in regard to ILO Conventions
relating to women

I. Among the relevant ILO Conventions, Cyprus has ratified Conventions Nos. 100 and 111, but not Convention No. 156. Cyprus has also ratified Convention No. 45 concerning underground work for women and Convention No. 122 dealing with employment policy. Cyprus has ratified Convention No. 89 dealing with night work for women but, following ratification of the Protocol of 1990 to that Convention, may introduce exemptions and exceptions to the prohibitions on night work for women contained in Convention No. 89 (except in respect of a period of 16 weeks before and after childbirth). The Government has also ratified the Night Work Convention, 1990 (No. 171), which applies to all workers employed on night work, men as well as women, and which provides further flexibility in relation to this matter.

II. Comments by the ILO supervisory bodies.

The pending comments of the ILO Committee of Experts on matters relevant to the provisions of the CEDAW relate to:

Convention No. 100 The 1995 direct request (**texts appended**) asked the Government to provide information concerning the measures being taken or contemplated to give effect to the principle of equal pay for work of equal value, following proposals made by the International Labour Office in response to the Government's request for assistance. The Committee of Experts noted that a few renewed collective agreements have included a clause showing an intention to establish wage rates which are not differentiated on the basis of gender.

Convention No. 111 The 1995 direct request (**texts appended**) noted measures taken (to improve training, vocational guidance and access to employment) in pursuance of a national policy designed to promote equality of education and treatment in employment between men and women. The Government has designated women as a priority target group for management training; and has taken steps to improve the participation, and level of representation, of women in the public sector.

Convention No. 122 The 1995 direct request (**text appended**) noted, inter alia, that the Government intended to respond to the labour shortage problem (which continued in the context of a high labour market participation rate) through the measured use of foreign labour, as well as by promoting the employment of women and by encouraging the return of emigrant Cypriots.

Convention No. 100: Equal Remuneration, 1951

Direct request 1995

Cyprus (ratification: 1987)

The Committee notes with regret that the Government's report has not been received. It hopes that a report will be supplied for examination by the Committee at its next session and that it will contain full information on the matters raised in its previous comments, which read as follows:

1. In its previous observation, the Committee noted with interest that, in response to a request of the Government for assistance in implementing the provisions of the Convention, a mission was undertaken in December 1991 by officials of the International Labour Office who subsequently prepared a report concerning the measures which might be taken by the Government and the social partners to give effect to the principle of equal pay for work of equal value. The Committee had noted that this report was being examined by the relevant governmental authorities and by the workers' and employers' organizations and that the Office would be kept informed as to the outcome of this examination.

The Committee hopes once again that the Government will provide full information in its next report concerning the measures being taken or contemplated in the light of the assistance provided.

2. The Committee has noted with interest that a few renewed collective agreements have included a clause showing an intention to create new wage scales in place of the previous sex-based wage rates. The Committee hopes that, among the measures which might be taken pursuant to the assistance provided by the Office, priority will be given to the removal of the sex-based wage rates applying in a number of collective agreements. It requests the Government to supply full particulars in this regard in its next report.

3. The Committee has also noted with interest from the statistical data supplied in the Government's previous report that the wage differential between women and men continued to narrow. The Committee would be grateful if the Government would continue to provide information in its future reports showing the relative difference in the average earnings of women and men in the economy.

Convention No. 111: Discrimination (Employment and Occupation), 1958

Direct request 1995

Cyprus (ratification: 1968)

The Committee notes that the Government's report has not been received. It hopes that a report will be supplied for examination by the Committee at its next session and that it will contain full information on the matters raised in its previous direct request, which read as follows:

1. The Committee notes with interest the information provided on the measures undertaken in pursuance of a national policy designed to promote equality of opportunity and treatment in employment between men and women, such as the employment orientation programmes conducted by the Industrial Training Authority (ITA), in consultation and cooperation with women's, employers' and workers' organizations, to familiarize unemployed women with the world of work and to accord them an opportunity to discuss and resolve individual problems related to the factors hindering their entry into the labour market. The Committee would be grateful if the Government would continue to supply information on these programmes, including the results achieved, and on any other activities designed to promote equality of opportunity and treatment in employment and occupation for women.

2. The Committee notes from the latest statistics provided that women's participation in ITA training courses has improved. It also notes the Government's indication that the ITA has designated women as a priority target group for management training so as to increase the number of women managers and to enable them to combine their work and family responsibilities. The Committee requests the Government to continue supplying information on all progress achieved with regard to women's participation in ITA courses, particularly management training and development programmes.

3. Further to its previous comments on women in public employment, the Committee notes from the latest data provided that women have continued to improve their situation in the public sector (excluding manual labour). In particular, it notes with interest that the number of women who are either professionals or hold administrative/management posts in government services (excluding education) has continued to increase steadily and that a woman was recently appointed to the senior post of Director of Industry in the Ministry of Commerce. The Committee would be grateful if the Government would continue to supply information, including statistical data, in this respect as well as details on other measures being taken in practice to improve the situation of women's employment at all levels of the public sector.

4. Referring to its previous request for data on the participation of women in the private sector and on any measures being taken or contemplated to promote equality of opportunity and treatment in employment for private sector female employees, and noting the Government's indication that this information will be forwarded separately, the Committee hopes that the data requested will be provided with the next Government report.

Convention No. 122: Employment Policy, 1964

Direct request 1995

Cyprus (ratification: 1966)

The Committee notes that the Government's report has not been received. It hopes that a report will be supplied for examination by the Committee at its next session and that it will contain full information on the matters raised in its previous direct request, which read as follows:

1. The Committee notes the Government's report for the period ending June 1992. The report shows that the growth in economic activity continued during the period and permitted the maintenance of a situation of almost full employment. The fall in activity following the Gulf crisis was limited and, as a result of a growth rate of nearly 8 per cent in 1992, the unemployment rate which had reached nearly 5 per cent over the first months of 1991 was brought down to less than 2 per cent. The tensions on the labour market, which the Committee noted in its previous request, became more marked in 1992. The Government considers that the shortage of labour, in a context of a high participation rate, is one of the principal obstacles to the achievement of economic growth, to which it intends to respond through the measured use of foreign labour, as well as by promoting the employment of women and encouraging the return of emigrant Cypriots. It also states that a study on labour market perspectives for the period 1993-1998 should make it possible to identify imbalances between the supply and demand for labour, particularly as regards skills. The Committee would be grateful if the Government would indicate the main conclusions of the above study in its next report and indicate the measures taken or envisaged as a consequence. Please also supply any relevant extracts of the new five-year economic development plan.

2. The Government states that measures to combat unemployment among graduates have resulted in a substantial reduction in their unemployment rate. It refers in this respect to the financial support provided for self-employment, retraining for graduates whose qualifications are unsuitable, and the development of regulations to reserve certain jobs for skilled workers. Please continue to supply detailed information on the results obtained by each of these measures.

3. The Committee notes that in the Government's opinion the country is excessively economically dependent on the tourism sector. It notes that the Government has taken measures to gain greater control over the expansion of this sector and to encourage the diversification of activities in the field of services. Please supply information on the results obtained in terms of employment by the implementation of these measures.

4. With reference to its previous requests concerning the effect given to *Article 3 of the Convention*, the Committee notes the statement that tripartite consultations on economic and social matters are held at all levels, particularly through the Labour Advisory Board and the Economic Advisory Committee. It would be grateful if the Government would specify in its next report the frequency of the meetings of the various bodies through which consultations are held with the representatives of the persons affected concerning employment policies, the items included on their agenda, the opinions which are expressed and the manner in which they are taken into account.

ETHIOPIA

Position in regard to ILO Conventions
relating to women

I. Among the relevant ILO Conventions, Ethiopia has ratified Conventions Nos. 111 and 156, but not Convention No. 100.

II. Comments by the ILO supervisory bodies.

The pending comments of the ILO Committee of Experts on matters relevant to the provisions of the CEDAW relate to:

Convention No. 111 Noting that national legislation was in the process of being revised, the 1995 direct request **(texts appended)** asked for information on legislative developments concerning the application of the Convention. The Government was also requested to furnish a copy of the new Constitution, once it had been adopted.

Convention No. 156 The 1994 direct request **(texts appended)**, which was based on the first report submitted on the application of the Convention, sought detailed information concerning the application of the instrument's various articles. Essentially, the Committee of Experts was concerned to establish the extent of compliance with the provisions of the Convention: by providing explanations about the requirements of the Convention, the Committee has attempted to stimulate further national action.

Convention No. 111: Discrimination (Employment and Occupation), 1958

Direct request 1995

Ethiopia (ratification: 1966)

1. The Committee notes the information supplied by the Government in reply to its previous direct request concerning the status of the Land Reform Proclamation of 1975, to be reviewed in the light of the new Constitution, and the repeal of the post-1985 resettlement policy, as well as developments towards the adoption of a new Constitution. Since the Government is in the course of revising the national legislation, the Committee asks the Government to keep it informed of any legislative developments concerning the principle of the Convention and to communicate a copy of the Constitution once adopted.

2. The Committee also notes the information supplied by the Government on the use of national languages in the context of the new education policy, in reply to its previous direct request regarding the implementation of the provisions to eliminate discrimination as laid down in Labour Proclamation No. 42/1993. The Committee would appreciate receiving information on this new education policy, as well as on legislative protection against discrimination in employment afforded to teachers who are employees of the state administration and thus outside the scope of the Labour Proclamation (section 3(2)(e)).

3. In this connection, the Committee requests the Government to supply details on how the national policy on non-discrimination is applied to these public employees excluded from the coverage of the Labour Proclamation who might face discriminatory employment practices on the bases of political opinion, national extraction, social origin, etc. For example, have special laws been adopted to provide protection for the categories of workers who are excluded from the scope of the Labour Proclamation by virtue of section 3(2)?

4. The Committee repeats its request for indications concerning the activities of the Institute for the Study of Ethiopian Nationalities, established by Proclamation No. 236 of 1983.

Convention No. 156: Workers with Family Responsibilities, 1981

Direct request 1994

Ethiopia (ratification: 1991)

Having noted the information contained in the Government's first report, the Committee requests detailed information on the following points:

Article 1 of the Convention. The Committee would be grateful if the Government would clarify, in its next report, the definition of "dependent child" in a way that explains how that term relates the coverage of the Convention to parents or legal guardians who, because of their responsibilities, have restricted possibilities of preparing for, entering, participating in or advancing in economic activity. The Committee also requests the Government to provide information on whether, and if so how, the term "other members of their immediate family who clearly need care or support" is defined for the purpose of applying the Convention.

Article 2. Having noted that the Labour Proclamation No. 42/1993, which is the principal means of applying the Convention, excludes from its scope employment relations arising out of those contracts of employment enumerated in section 3(2), the Committee requests the Government to indicate more precisely the particular categories of workers covered by this exclusion and to provide information on the measures taken or contemplated to ensure the application of the Convention to all branches of economic activity and to all categories of workers. The Committee also requests the Government to provide information on any directives made by the Minister of Labour and Social Affairs with respect to homework contracts, in accordance with section 46(4) of the Labour Proclamation.

Article 3. The Committee has noted that while the above-mentioned Labour Proclamation includes a provision proscribing discrimination on the basis of a number of specific grounds, including sex as well as on "any other condition" (section 14(1)(f)), the report does not indicate that the Government has enunciated an explicit national policy aimed at enabling men and women workers with family responsibilities to be employed without discrimination and to better reconcile their work and family obligations as outlined in the Convention. Referring to the explanations provided in paragraphs 54 to 89 of its 1993 General Survey on Workers with Family Responsibilities, the Committee requests the Government to consider taking the necessary action to adopt and implement such a national policy, perhaps in the context of the constitutional, legal and administrative reforms being undertaken currently in the country. That policy should then provide the framework for developing, coordinating and evaluating all of the various policies and programmes which are, or might be taken, under the following Articles of the Convention. Accordingly, the Committee hopes that the Government will be able to indicate that action has been taken in this regard in its next report.

Article 4. Noting that the Minister of Labour and Social Affairs intends to foster equal opportunity and treatment in employment for all workers with family responsibilities in collective agreements, the Committee requests the Government to indicate the measures taken to this end. It also asks the Government to provide copies

Convention No. 156: Workers with Family Responsibilities, 1981

Direct request 1994

of collective agreements, concluded and registered under the provisions of the 1993 Labour Proclamation. In addition, the Committee requests the Government to provide information on any programmes introduced or planned to further the application of this Article, such as those, for example, suggested in paragraphs 17 to 23 of the Workers with Family Responsibilities Recommendation, 1981 (No. 165).

Article 5. The Committee requests the Government to provide more detailed information on the measures taken to ensure that the needs of workers with family responsibilities are taken account of in community planning and to indicate the nature and number of child-care and family services and facilities established. The Committee also requests the Government to supply information derived from the national survey on the situation of children with insufficient family support; and to describe any programmes or activities undertaken pursuant to that survey.

Article 6. In addition to promotional measures to encourage the social partners to apply the provisions of the Convention through collective bargaining (referred to under Article 4 above), the Committee requests the Government to indicate any measures taken or contemplated to inform and educate the community in general about the provisions of the Convention, including measures which encourage the sharing of family responsibilities between men and women. In this regard, the Committee refers to the examples and explanations provided in paragraphs 90-95 of its General Survey, mentioned above.

Article 7. The Committee requests the Government to indicate in its future reports any measures taken specifically to enable workers with family responsibilities to become and remain integrated in the labour force, as well as to re-enter the labour force after an absence due to those responsibilities. In this respect, the Committee refers the Government to Chapter III of its 1993 General Survey, which explains the requirements of this Article and suggests some practical measures which might be taken to secure compliance with the Convention.

Article 8. Having noted with interest that section 26(2)(d) of the 1993 Labour Proclamation includes sex, marital status, family responsibility and pregnancy among the grounds which shall not be deemed a legitimate basis for terminating a contract of employment, the Committee requests the Government to furnish any information indicating how this provision is applied in practice including, in particular, any action taken by the Labour Inspection Service or cases heard by the labour courts under this provision.

Article 10. Noting that the facility afforded by paragraph 1 of this Article to implement the Convention in stages appears to have been used, the Committee requests the Government to state in all of its future reports the extent to which effect has been given or is proposed to be given to the Convention.

Article 11. The Committee hopes that the Government will be in a position to indicate in its next report the manner in which it has participated with employers' and

Convention No. 156: Workers with Family Responsibilities, 1981

Direct request 1994

workers' organizations to devise and apply measures to give effect to the provisions of the Convention.

HUNGARY

Position in regard to ILO Conventions
relating to women

I. Among the relevant ILO Conventions, Hungary has ratified Conventions Nos. 100 and 111, but not Convention No. 156. Hungary has also ratified Conventions Nos. 3 and 103 dealing with maternity protection, Convention No. 45 concerning underground work for women, Convention No. 122 dealing with employment policy and Convention No. 142 concerning the development of human resources.

II. Comments by the ILO supervisory bodies.

The pending comments of the ILO Committee of Experts on matters relevant to the provisions of the CEDAW relate to:

Convention No. 100 As the national Constitution defines the right to equal pay more narrowly than that enshrined in the Convention, the 1994 direct request **(texts appended)** seeks clarification on the means by which the principle of equal remuneration for work of equal value is implemented. Further information is requested about the means by which the principle is applied (in the public sector and to all components of remuneration.) In view of the indicated wage gap, attention was also drawn to the need for an overall approach to eliminating sex-based inequalities.

Convention No. 111 The 1994 direct request **(texts appended)** noted that, pursuant to the Labour Code, which bans women from work that may have detrimental physical or developmental consequences, an order of the Ministry of Health established a long and detailed list of jobs from which women are barred. The Committee asked the Government to indicate to what extent women are able to work in the industries or sectors in which the prohibited jobs are based, but carrying out work which would not involve exposure to prohibited substances or dangerous work. The Government was also asked to consider reviewing and adapting the listed prohibitions, so that they did not give rise to discriminatory practices against women workers. Additional information was sought on the practical measures being taken to promote equal opportunity and treatment on all of the grounds covered by the Convention, in all areas relevant to employment and occupation.

Convention No. 122 There is no outstanding comment.

Convention No. 100: Equal Remuneration, 1951

Direct request 1994

Hungary (ratification: 1959)

With reference to its previous comments, the Committee notes the information supplied by the Government in its report.

1. The Committee understands that the Hungarian text (and the English translation) of article 70/B(2) of the 1989 Constitution guarantees "the right to equal pay for equal work", and not what the Government's report states, namely "For work of equal value, every person has the right to equal remuneration, without any discrimination". In view of the wording of *Article 2 of the Convention*, the Committee asks the Government to supply information on how the broader concept of equal pay for *work of equal value* is applied, given the limited wording of this constitutional provision.

2. The Committee notes section 141 of the 1992 Labour Code, which provides that employees are entitled to receive wages on the basis of their employment contract, outside agreements being null and void. Please provide information on the way in which this provision is applied, and in particular whether it affects the application of the principle of equal remuneration beyond the basic wage.

3. The Committee would appreciate receiving information on the payment on the various supplements listed under sections 146 ff. of the Labour Code, which, according to the ban on certain work by women elsewhere in the Code, appear to be available only to male workers.

4. Please supply a copy of the "regulations on remuneration" of the Labour Code (which apparently cover only the most basic conditions of remuneration), referred to in the Government's report.

5. Regarding the public service, the Committee would appreciate receiving information on how the principle of equal remuneration is ensured to public servants covered by Act No. 33 on the legal status of public servants of 5 May 1992, who perform work which is of equal value, but of a different nature.

6. The Committee asks the Government to transmit with its next report a copy of the new 23-category job classification, as well as information on the impact this new system has had on those industries employing large numbers of women (for example, has any identified wage gap decreased?).

7. The Committee notes that the 1992 statistics supplied by the Government show clear wage gaps in the earnings of men and women (20 per cent on the national average and up to 40 per cent in industries employing predominately males, such as mining), but that the Government states that these data do not prove discrimination against women in remuneration. It states that the gap can be explained by other reasons, namely: men frequently perform harder and more difficult work; and women may be responsible for family duties and therefore cannot be counted on and are paid less than men, even in theoretically similar work. The Committee also notes the comments of the National Confederation of Hungarian Trade Unions, according to

Convention No. 100: Equal Remuneration, 1951

Direct request 1994

which the wage gaps observed are not proportionate to the lesser amount of work done by women (presumably when they are absent because of family duties). The Confederation supplies 1993 figures showing a decreasing difference between men's and women's remuneration, and states its belief that the new job system and the works councils established under the 1992 Labour Code can improve pay equality between men and women workers.

The Committee draws the Government's attention to paragraphs 100 and 250 of its 1986 General Survey on Equal Remuneration, which point to the need for an overall approach to eliminating sex-based inequalities if the principle of this Convention is to be applied in full. In particular it refers to paragraph 252 of the General Survey where it observed that the equal evaluation of work and equal rights to all of the components of remuneration cannot be achieved in a general context of inequality. It asks the Government to supply copies of any studies, inquiries, or research - carried out under the auspices of the Government and its concerned departments or by the social partners - which attempt to analyze the clearly sex-based wage differentials in an effort to identify those elements, criteria or procedures which are giving rise to this situation, and to introduce measures to eliminate them.

Convention No. 111: Discrimination (Employment and Occupation), 1958

Direct request 1995

Hungary (ratification: 1961)

1. The Committee notes the Government's report and the information it contains in reply to its comments. It notes with interest the repeal of various decrees on extended vocational training, on which the Committee asked for information, and notes that Decree No. 3/1989 which is still in force contains no provision concerning the teaching of political subjects or the organization of seminars of a political nature.

2. With reference to section 5(4) of the Labour Code, the Committee asked the Government to provide information on the application of this provision (elaboration of the specified regulations and the criteria used to determine who should have preference in employment) and the measures taken to ensure that this could not give rise to discriminatory practices. The Committee notes that the workers concerned may be young people and workers with a reduced capacity to work. The Committee would be grateful if the Government would indicate more precisely all the workers who may be affected by this provision and to state whether regulations in this area have been adopted, and how it is ensured that the above preference does not constitute discrimination. The Committee draws the Government's attention to the fact that special measures of protection designed to take account of special needs may not be considered as discrimination within the meaning of *Article 5 of the Convention*, if they are warranted as protection and assistance, but that they should be defined after consultation with the employers' and workers' organizations.

3. With regard to the employment of women, and particularly section 75 of the Labour Code, which bans women from work that may have detrimental consequences for their physical constitution or development, the Committee notes the list of jobs from which women are barred pursuant to Order No. 6/1982 of the Ministry of Health. It notes that the list is long and detailed and includes piloting aircraft, driving transport vehicles, trucks of over 3 tonnes, tractors and other heavy agricultural machinery. The Committee asks the Government to indicate to what extent women are able to work in the industries or sectors included in the above list but in jobs which would not involve direct exposure to prohibited substances or dangerous work. Since the list is particularly protective, the Committee considers that it would be appropriate for it to be reviewed and adapted to developments in women's employment so that it cannot give rise to discriminatory practices against women workers. It asks the Government to keep it informed of any measures taken to this end.

4. Further to its previous comment on section 2 of the Employment Promotion Act (No. IV) of 1991, as amended, the Committee notes the information supplied by the Government on the measures planned to enable categories of persons with employment problems, including gypsies, to become integrated or reintegrated in active life by means of suitable vocational training. The Committee would be grateful if the Government would provide information on the measures actually implemented, together with statistics, so that it can assess the results of this policy. Furthermore the

Convention No. 111: Discrimination (Employment and Occupation), 1958

Direct request 1995

Committee asks the Government to indicate the concrete provisions made to guarantee that the Labour Market Organization, referred to in section 3 of above-mentioned Act No. IV and directed by the Ministry of Labour, exercises no discrimination in its activities, particularly in the drafting of job offers.

5. The Committee takes due note of the information concerning the regulations connected with the application of article 70/A(3) of the Constitution. It asks the Government to continue to provide information on all legislation of this nature.

6. Furthermore, the Committee would be grateful if, in its next report, the Government would provide information on any measures taken to ensure the effective promotion of equal opportunity and treatment, in accordance with *Article 2* of the Convention regardless of race, colour, sex, religion, political opinion, national extraction or social origin, and on the results obtained particularly as concerns:

(a) access to vocational training;

(b) access to employment and particular occupations;

(c) terms and conditions of employment, and more specifically the measures taken to promote equality of opportunity and treatment:

  (i) in employment, vocational training and vocational guidance, coming directly under the Government's authority;

  (ii) by the legislation and educational programmes;

  (iii) with the cooperation of employers' and workers' organizations and other appropriate bodies, particularly as regards employment in the private sector and areas not governed by collective agreements.

It asks the Government to supply with its next report detailed statistics of the employment situation, particularly statistics of women and ethnic minorities.

ICELAND

Position in regard to ILO Conventions
relating to women

I. Among the relevant ILO Conventions, Iceland has ratified Conventions Nos. 100 and 111, but not Convention No. 156. Iceland has also ratified Convention No. 122 dealing with employment policy.

II. Comments by the ILO supervisory bodies.

The pending comments of the ILO Committee of Experts on matters relevant to the provisions of the CEDAW relate to:

Convention No. 100 The 1994 direct request refers to measures taken by the Government to reduce the persisting wage differentials between men and women, including - within the context of a four-year Plan of Action for Measures to Establish Equality between Men and Women (1993-97) - a detailed survey of wages of the employees of five large governmental bodies; a systematic evaluation of jobs performed by governmental employees; and the appointment of an equality counsellor during the currency of the Plan to work towards improving the position of women in enterprises and institutions and to increase the number of job opportunities of women. Reference was also made to the October 1993 Congress on Equality, which addressed issues relevant to equal pay: under the 1991 Equal Status and Equal Rights of Women and Men Act, congresses on equality are to be convened every three years.

Convention No. 111 The 1995 direct request noted measures taken within the framework of the four-year Plan of Action (referred to under Convention No. 100 above). It also noted the information supplied on the NORD-LILIA project designed to better equip teachers to address the different needs of the sexes.

Convention No. 122 The 1995 direct request **(texts appended)**, which was based on the Government's first report on the application of the Convention, set the stage for further dialogue by identifying the specific areas in which detailed statistics on the employment situation should be supplied in future reports.

Convention No. 100: Equal Remuneration, 1951

Direct request 1994

Iceland (ratification: 1958)

With reference to its previous comments, the Committee notes with interest the information supplied by the Government in its report, particularly describing the measures taken to reduce the persisting wage differentials between men and women.

1. The Committee notes that, in May 1993, Parliament approved a resolution introducing a four-year (1993-97) Plan of Action for Measures to Establish Equality between Women and Men. This was done under the 1991 Act on the Equal Status and Equal Rights of Women and Men. From the copy of the Plan, supplied by the Government, the Committee notes, in particular, that (i) the Ministry of Social Affairs is to conduct a detailed survey of the wages and the terms and conditions of employment of men and women employed in five large governmental bodies using an improved methodology; (ii) a systematic evaluation of jobs performed by government employees is to be carried out in accordance with section 4 of the 1991 Act; (iii) an equality counsellor will be appointed for the four years of the Plan on a trial basis, to work generally towards improving the position of women in enterprises and institutions and to cooperate with employment counsellors in an effort to increase the number of job opportunities for women; and (iv) regular detailed statistics, including data on income by economic activities and occupations, and sex, will continue to be published by the National Economic Institute.

The Committee asks the Government to supply, in its next report, a copy of the findings of the public sector wages survey, due to be completed in June 1994. It also asks to be kept informed of the activities undertaken in the framework of the Plan, especially those mentioned above, which have a bearing on the implementation of the principle of the Convention.

2. The Committee also notes from the Government's report that, in accordance with section 16(10) of the above-mentioned 1991 Act, the Equal Status Council is to convene a congress on equality at least every three years. The first such congress was held in October 1993 and addressed issues relevant to the principle of this Convention, namely job assessment as an instrument in the campaign for equal wages and the causes of gender-specific wage differentials. The Government states that it will send a detailed account of the findings of the congress with its next report. The Committee looks forward to receiving this information.

Convention No. 111: Discrimination (Employment and Occupation), 1958

Direct request 1995

Iceland (ratification: 1963)

The Committee notes with interest the information supplied by the Government in its report, in particular on Parliament's adoption in May 1993 of the Four-Year Plan of Action for Measures to Establish Equality between Women and Men for the period 1993-97, the measures taken to overcome occupational segregation of women and men and the measures taken to promote equality of opportunity and treatment between the sexes in rural areas.

1. As regards the implementation in practice of the Equal Status of Women and Men Act No. 28/1991 in government ministries and state institutions, the Committee notes that, within the framework of the above-mentioned Four-Year Plan of Action, individual ministries are responsible for the implementation of specific activities within their mandate, such as the recruitment of more women as criminal investigators within the Ministry of Justice. The Committee also notes the appointment of the first Sexual Equality Officer in Iceland as a result of a plan of action for sexual equality adopted by a local authority. Noting that the 1991 Act specifies that the results of plans of action were to be assessed after two years (in Spring 1995) by the Office of the Equal Status Council, the Committee requests the Government to supply a copy of that evaluation, once completed, as well as any details on further measures taken in accordance with the Act to promote equality of opportunity and treatment in employment.

2. The Committee notes the information on the Nordic NORD-LILIA project designed to better equip teachers to address the different needs of the sexes. Noting that the project was to end in late 1994, the Committee requests the Government to supply, with its next report, a copy of any evaluation made of this project's results.

Convention No. 122: Employment Policy, 1964

Direct request 1995

Iceland (ratification: 1990)

1. The Committee notes with interest the Government's first report on the application of the Convention for the period ending 30 June 1993. It was pleased to receive a clear and helpful exposition of the current economic conditions and of the problems being encountered. It notes the substantial decline in employment since 1992 and the rapid increase in the unemployment rate, which rose from 1.5 per cent in 1991 to 3 per cent in 1992. According to OECD data, this rise in unemployment continued, reaching 4.3 per cent in 1993. The Committee notes the information on the seasonal nature and uneven regional distribution of unemployment and requests the Government to supply detailed statistics in its next report, based on periodical surveys and studies, on the level and trends of employment, underemployment and unemployment, by sector and for the various categories of the active population. Please, in particular, indicate the participation and unemployment rates by sex and age and any significant impact of migratory movements on the size of the active population.

2. The Committee notes that the objective of the Government's general economic policy is to increase national earnings and improve the competitiveness of enterprises with a view to promoting employment. In this respect, the Committee notes the results which have been achieved in combating inflation. With reference to the report form, the Committee requests the Government to describe in its next report the manner in which the measures taken in fields such as budgetary, monetary and exchange rate policies and prices, incomes and wages policies contribute, "within the framework of a coordinated economic and social policy", to the attainment of the objective of full employment. The Committee notes the information concerning the activities of the Institute of Regional Development and requests the Government to supply information on the initiatives adopted to promote balanced regional development and encourage the development of new activities in regions that are currently in decline or undergoing restructuring. In more general terms, the Committee would be grateful if the Government would indicate the measures of structural nature taken in fields that are likely to have an impact on employment such as the management of fishing resources and the diversification of economic activities.

3. The Government states that measures have only recently been taken to intervene directly on the labour market in order to combat the rise in unemployment. Please describe the scope of these measures, with an indication of the number and category of beneficiaries. Please also continue to supply detailed information on vocational training activities and indicate the manner in which education and training policies are coordinated with prospective employment opportunities.

4. The Committee notes that employers' and workers' organizations are represented on the consultant committee to the Employment Office and on the Vocational Training Council. The Committee would be grateful if the Government would provide information on the activities of these advisory bodies, the matters that

Convention No. 122: Employment Policy, 1964

Direct request 1995

they consider, the opinions that they issue and the manner in which these opinions are taken into account in the formulation and implementation of employment policy measures.

ISRAEL

Position in regard to ILO Conventions
relating to women

I. Among the relevant ILO Conventions, Israel has ratified Conventions Nos. 100 and 111, but not Convention No. 156. Israel has also ratified Convention No. 122 dealing with employment policy.

II. Comments by the ILO supervisory bodies.

The pending comments of the ILO Committee of Experts on matters relevant to the provisions of the CEDAW relate to:

Convention No. 100 The 1994 direct request recalls that the enunciation of the principle of equal pay in the 1964 Male and Female Workers' (Equal Pay) Act is narrower than that required by the Convention. Reference is also made to the considerable wage disparities between men and women and to the fact that job evaluations to review wage-fixing systems were not carried out due to economic recession. Information is requested on the activities of the Women's Bureau of the Ministry of Labour and Social Affairs and on other measures taken to ensure supervision of the application of equal pay.

Convention No. 111 The 1995 direct request notes activities undertaken by the Women's Employment Branch under the 1988 Employment (Equal Opportunities) Law. Information is requested on the practical and judicial application of section 2 of that legislation, which provides that differential treatment necessitated by the character or nature of the assignment or post shall not be regarded as discriminatory. Further details are also sought on the measures to promote equality of opportunity and treatment in respect of the training of women generally into trades where they are not well represented; and to promote the employment participation of non-Jewish women.

Convention No. 100: Equal Remuneration, 1951

Direct request 1994

Israel (ratification: 1965)

The Committee notes that the Government's report has not been received. It hopes that a report will be supplied for examination by the Committee at its next session and that it will contain full information on the matters raised in its previous direct request, which read as follows:

1. The Committee noted that the systems for fixing wages are based, in certain sectors, on a job evaluation carried out by the Israel Institute of Productivity, and that this Institute was prepared to conduct job analysis projects but that as a result of the economic recession employers were reluctant to embark on such evaluations; it is therefore not possible to review wage-fixing systems in the light of such evaluations. The Committee notes that, according to the Government, the situation is unchanged, and recalls the importance of *Article 4 of the Convention* for implementing the principle of equal remuneration for work of equal value. It hopes that the next report will contain positive information on job analyses.

2. The Committee recalls that the Male and Female Workers' (Equal Pay) Act, 5724-1964, provides for equal remuneration for men and women for the same work, or work which is essentially the same, whereas the principle laid down by the Convention requires equal remuneration for work of ***equal value*** (*Article 2, paragraph 1*, of the Convention). Furthermore, the Committee notes from the statistics available to it that men's wages are considerably higher than those of women. The gap between men's and women's wages in 1989, in all sectors taken together, was 22 per cent for hourly rates and 43 per cent for monthly wages and, in 1990, 18 per cent and 45 per cent, respectively. The Committee would be grateful if the Government would indicate the measures it plans to take in order to reduce these disparities, which are considerable, and to apply the principle of equal remuneration for work of equal value by one of the means provided for in *Article 2, paragraph 2*, or a combination of them.

The Committee asks the Government to continue to supply statistics on the minimum or basic wage rates and the average actual earnings of men and women. It would also appreciate a copy of the salary scales applicable in the public sector, with an indication of the percentage of men and women employed at different levels.

3. With regard to the activities of the Women's Bureau of the Ministry of Labour and Social Affairs, the Committee notes from the Government's report that the Bureau is continuing its activities. The Committee would appreciate detailed information on its activities, as well as on the working of the Male and Female Workers' (Equal Pay) Act. In this connection, the Committee notes the Government's statement that very few complaints have been brought to the attention of the Women's Bureau, which would suggest that problems of discrimination in this field are dealt with mainly by trade unions and women's

Convention No. 100: Equal Remuneration, 1951

Direct request 1994

organizations, rather than by agencies of the Ministry. The Committee asks the Government to provide full information with its next report on the activities of these organizations in this area.

4. The Committee notes that the Government plans to send as soon as possible a copy of a file illustrating the inspection activities of the Women's Bureau. The Committee asks the Government to provide information with its next report on the measures taken to ensure supervision of the application of the provisions of the law concerning equal remuneration and, in particular, on the activities of the inspection services (violations recorded, sanctions imposed), and to continue to provide information on court decisions on this subject.

Convention No. 111: Discrimination (Employment and Occupation), 1958

Direct request 1995

Israel (ratification: 1959)

The Committee notes that the Government's report has not been received. It hopes that a report will be supplied for examination by the Committee at its next session and that it will contain full information on the matters raised in its previous direct request, which read as follows:

1. With regard to the programme of promotion, information and education concerning the application of the 1988 Employment (Equal Opportunities) Law which has been undertaken by the Women's Employment Branch, the Committee notes that these activities are continuing. It notes that violations of section 8, under which job advertisements must be written in non-discriminatory language, have been identified and for the most part adjudicated. The Committee requests the Government to supply information on the nature of any penalties which are applied. It also requests the Government to continue supplying information on the activities of the Women's Employment Branch and on the application of section 8.

In its previous direct requests, the Committee requested information on the scope and practical application of section 2 of the above Law, which provides that differential treatment necessitated by the character or nature of the assignment or post shall not be regarded as discriminatory. The Committee notes that, according to the Government, there is not much practice of using this section as grounds for differential treatment. In this respect, the Committee notes the Gestetner decision of 22 January 1992, which reaffirms the principles of non-discrimination set out in the Employment (Equal Opportunities) Law and applies a restrictive interpretation to its provisions. It requests the Government to continue supplying information on the practical and judicial application of this Law.

2. With regard to the participation rate of women in the workforce, the Committee notes the information supplied by the Government which shows that the trend of an increase in their participation is continuing. The Committee also notes the information on the participation in vocational training courses of men and women, as well as of non-Jews. It notes from these statistics that women tend to follow training that is traditionally female, such as sewing, hairdressing, child care and office work. The Committee requests the Government to indicate the measures that it intends to adopt in order to promote, within the framework of a national policy to promote equality of opportunity and treatment in the sense of *Article 2 of the Convention*, the training of women in other trades in which they are less well represented and, in particular, to promote the employment of non-Jewish women, whose rate of participation in the workforce remains very low (12.6 per cent in 1991). The Committee would also like to receive statistics on the distribution of men and women in different occupations in the various sectors.

3. With regard to the distribution of Jews and non-Jews by occupation, the Committee noted that the number of non-Jewish persons occupying managerial posts and positions of trust was lower than the number of Jewish persons, both in respect of scientific, academic and other professional, technical and similar workers, and the category of clerical and similar workers. It notes from the statistics which were supplied that the situation remains largely the same, since the increase in the proportion of non-Jewish persons in these positions is very low. The Committee notes from the report that the Government embarked in 1992 on a new programme to promote the employment of Israeli Arab workers in the civil service in managerial positions and positions of trust. The Committee hopes that this programme will be effective in the near future and requests the Government to supply detailed information on its implementation and, in particular, on the results obtained.

Convention No. 111: Discrimination (Employment and Occupation), 1958

Direct request 1995

Furthermore, the Committee would be grateful if the Government would supply information in its next report on the application of the national policy to promote equality of opportunity and treatment in employment for the Bedouin community.

4. The Committee notes that the Government will forward separately the judicial decisions (in translation) handed down in the cases of appeal lodged before the various appeals bodies under section 43 of the Employment Service Law.

PARAGUAY

Position in regard to ILO Conventions
relating to women

I. Among the relevant ILO Conventions, Paraguay has ratified Conventions Nos. 100 and 111, but not Convention No. 156. Paraguay has also ratified Convention No. 122 dealing with employment policy.

II. Comments by the ILO supervisory bodies.

The pending comments of the ILO Committee of Experts on matters relevant to the provisions of the CEDAW relate to:

Convention No. 100 The 1994 observation (**texts appended**) welcomed the fact that the new Labour Code of 1993 enunciated the principle of equal pay in terms consistent with that of the Convention. The 1994 direct request (**texts appended**) noted the Government's acknowledgement of the need for an objective appraisal of jobs, for which it envisaging obtaining technical assistance from the Inter-American Centre for Labour Administration (CIAT). The Committee also requested the Government to provide a range of information on wage rates and on the supervision of equal pay, in order to assess the manner in which the principle of equal remuneration is applied in practice.

Convention No. 111 The 1994 observation is concerned with discrimination on the basis of political opinion.

Convention No. 122 The 1994 observation (**texts appended**) reflects Government information concerning the national unemployment rate, which had risen to 10.4 per cent in 1991, a rise linked to the fall in economic activity and exports, and to a general situation of recession. The observation indicates that, at that time, in Asuncion, women accounted for 41 per cent of the unemployed and men for 59 per cent; and that, the underemployment rate, which bore witness to the rapid development of the informal sector - which was the principal labour market problem - was estimated at around 9.5 per cent, and affected around 50,000 precarious workers in 1991.

Convention No. 100: Equal Remuneration, 1951

Observation 1994

Paraguay (ratification: 1964)

The Committee notes Act No. 213 of June 1993, which issues the new Labour Code. The Committee notes with satisfaction that this text amends section 230 of the former Code, which had been the subject of its comments, and that it provides in section 229 that equality of remuneration rates must be without distinction on the basis of sex for "work of equal value", whether or not the work is of the same nature. The Committee notes that for the purposes of this provision, remuneration does not include the components of the wage which is related to seniority and merit. The Committee requests the Government to indicate the manner in which the principle of equality of remuneration for men and women workers is also applied to the components of remuneration which relate to seniority and merit.

The Committee is raising other points in a direct request.

Convention No. 100: Equal Remuneration, 1951

Direct request 1994

Paraguay (ratification: 1964)

The Committee notes the Government's report. It notes that tripartite consultations were held within the framework of the technical assistance provided by the ILO to the Government for the revision of the Labour Code, which was adopted in June 1993.

1. With regard to the objective appraisal of jobs in order to ensure equality of remuneration for work of equal value in cases in which the nature of the jobs differs, the Committee notes that the Government recognizes the need for such an evaluation and envisages availing itself of the technical assistance of the Inter-American Centre for Labour Administration (CIAT), particularly with regard to determining methods for the objective appraisal of jobs which are directly under the control of the State. The Committee hopes that the Government will be in a position to avail itself of this assistance and that it will inform it in the near future of the progress achieved in this field.

2. Furthermore, the Committee recalls that it has not been provided with sufficient information to enable it to assess the manner in which the principle of equal remuneration as set out in the legislation and regulations is applied *in practice*. It would therefore be grateful if the Government would supply in its next report:

(i) the wage scales applicable in the public service, indicating the distribution of men and women at the various levels;

(ii) the text of collective or other agreements which establish wage levels other than minimum wages in the various sectors of the economy and, if possible, the percentage of women covered by these collective agreements and the distribution of men and women at the various levels;

(iii) statistics on wage rates and average earnings for men and women, if possible by occupation, branch of activity, seniority and level of qualifications, as well as information on the corresponding percentage of women.

3. Furthermore, the Committee requests the Government to supply information on the measures which have been taken to supervise the application of the provisions which govern equal wages and, in particular, on the activities of the Labour Directorate (violations detected and penalties imposed), as well as any rulings by the labour tribunals.

PHILIPPINES

Position in regard to ILO Conventions
relating to women

I. Among the relevant ILO Conventions, the Philippines has ratified Conventions Nos. 100 and 111, but not Convention No. 156. The Philippines has also ratified Convention No. 122 dealing with employment policy.

II. Comments by the ILO supervisory bodies.

The pending comments of the ILO Committee of Experts on matters relevant to the provisions of the CEDAW relate to:

Convention No. 100 In 1994, an observation (**texts appended**) noted that, in implementing the Philippine Development Plan for Women, the Department of Labour and Employment had prioritized the promotion of equal opportunity in employment and, to this end, had undertaken a number of activities, including preparing a monograph outlining the practical ways of promoting equality in the workplace and researching to what extent wage disparities between men and women are based on sex. A direct request of 1994 (**texts appended**) expressed the hope that the Government would make use of information derived from an occupational survey to embark upon an objective appraisal of jobs.

Convention No. 111 An observation and direct request of 1995 (**texts appended**) noted the extensive efforts being made to eliminate discrimination and to promote equality of opportunity and treatment in employment for women, through policies and programmes that seek to deal comprehensively with the sources of inequality. Included among these measures is the 1992 Women in Development and Nation Building Act which, inter alia, requires all governmental departments and agencies to review and revise all their regulations, circulars and procedures with the aim of removing gender bias.

Convention No. 100: Equal Remuneration, 1951

Observation 1994

Philippines (ratification: 1953)

Further to its previous comments, the Committee notes with interest that in implementing the Philippine Development Plan for Women (1989-1992), the Department of Labour and Employment has prioritized the promotion of equal opportunity in employment and, to this end, has undertaken a number of activities, including preparing a monograph outlining the practical ways of promoting equality in the workplace and researching to what extent wage disparities between men and women are based on sex. The Committee requests the Government to continue to provide information on the extent to which these various activities further the application of the Convention.

The Committee has also noted that a number of legislative bills have been filed in the Congress to complement and strengthen existing measures to promote equal opportunity in employment. The Committee requests the Government to furnish the texts of any legislation adopted which is relevant to the application of the Convention.

Convention No. 100: Equal Remuneration, 1951

Direct request 1994

Philippines (ratification: 1953)

The Committee notes the information contained in the report of the Government and the documentation appended thereto.

1. With reference to its previous comments, the Committee notes the Government's reference to the Rules Implementing Republic Act 6725 and to the copies of the statistical data on wage rates and earnings of men and women. As these documents were not received with the report, the Committee would be grateful if the Government would transmit this material to the Office.

2. On a previous occasion, the Committee had commented on an occupational survey which appeared to have been undertaken as a basis for evaluating and classifying occupations, in accordance with the principle of equal pay for work of equal value. The Committee notes from the report that even though the purpose of that survey was to prepare occupational briefs for selected occupations, the Government has indicated that the briefs could indeed provide relevant information for an evaluation exercise. The Committee hopes that the Government will consider making use of the information derived from the survey so as to embark upon an objective appraisal of jobs and that it will provide further information on this matter in its next report.

Convention No. 111: Discrimination (Employment and Occupation), 1958

Observation 1995

Philippines (ratification: 1960)

1. The Committee notes with satisfaction that the Government is making extensive efforts to eliminate discrimination and to promote equality of opportunity and treatment in employment for women, through policies and programmes that seek to deal comprehensively with the sources of inequality. In its previous comment, the Committee had noted with interest the provisions of the Women in Development and Nation Building Act (Republic Act No. 7192 of 1992), which among other things, requires all government departments and agencies to review and revise all their regulations, circulars and procedures with the aim of removing gender bias. The Act also gives the National Economic and Development Authority (NEDA) the mandate to ensure that government departments and agencies see to the participation of women and the integration of gender concerns in development programmes. The Committee notes that the NEDA, in consultation with the National Commission on the Role of Filipino Women, coordinated the drafting and finalization of the rules and regulations to implement the above-mentioned Act and distributed and explained to government agencies and other relevant bodies the obligations entailed, including the duty to submit a compliance report to Congress every six months. The Committee thanks the Government for supplying the first two compliance reports on this Act and requests it to continue to furnish information on the practical impact of the various measures being taken to ensure gender equity, including copies of further compliance reports.

2. The Committee is also addressing a request directly to the Government on other points.

Convention No. 111: Discrimination (Employment and Occupation), 1958

Direct request 1995

Philippines (ratification: 1960)

1. Referring to its observation, the Committee notes with interest the information provided by the Government concerning the measures taken to ensure equality of opportunity and treatment for working women within the framework of measures to improve the status of women more generally. The Committee requests the Government to continue to provide such details in its next report, including information on the passage of the Bills that are indicated in the report as pending approval in the Senate and Congress. In the event of legislation being enacted to establish machinery to enforce non-discrimination (as is anticipated, for example, in Senate Bill No. 119), the Committee requests the Government to provide full information on the creation of such an agency, its mandate, powers and composition.

2. Referring to its previous direct request, the Committee notes the statistical information provided by the Government concerning the special career examinations for cultural communities, held in 1989, for appointment to the civil service. The Committee requests the Government to indicate any further legislative or administrative measures being taken to promote equality of opportunity and treatment in the civil service or in other employment for cultural minorities, in particular as regards training.

3. The Committee notes that the Civil Service Commission's resolution No. 89-463, furnished by the Government, defines discrimination as "meaning any distinction, exclusion or preference made on the basis of gender, religious or political affiliation, minority or cultural extraction or social origin which has the effect of nullifying or impairing equality of opportunity and treatment in employment and occupation". As the resolution qualifies the definition of the Convention by using the term "religious or political affiliation", the Committee requests the Government to provide detailed information on the protection afforded to persons who, though they may not belong to or be affiliated to a certain group, nevertheless hold and/or express particular political or religious views.

UKRAINE

Position in regard to ILO Conventions
relating to women

I. Among the relevant ILO Conventions, Ukraine has ratified Conventions Nos. 100 and 111, but not Convention No. 156. Ukraine has also ratified Convention No. 122 dealing with employment policy.

II. Comments by the ILO supervisory bodies.

The pending comments of the ILO Committee of Experts on matters relevant to the provisions of the CEDAW relate to:

Convention No. 100 A direct request of 1994 **(texts appended)** reflected information showing that, on the basis of average monthly earnings broken down by reference to branch of the economy, women earn systematically less than men, whereas in areas where women predominate or are a large proportion of the total workforce, they earn only very slightly less than their male colleagues. The Committee sought information on any measures taken to investigate the wage differential between men and women and on the measures taken to cooperate with the employers' and workers' organizations in giving effect to the Convention.

Convention No. 111 An observation and direct request of 1993 **(texts appended)** noted legislative enactments to guarantee equal employment rights for all citizens on a number of grounds, including sex. The direct request also emphasized the importance of adequate statistical information concerning the employment situation of women; and requested the Government to provide information on the policies, programmes or other measures taken to promote equality of opportunity and treatment between men and women in all aspects of employment.

Convention No. 100: Equal Remuneration, 1951

Direct request 1994

Ukraine (ratification: 1956)

Referring to its earlier direct request, the Committee notes the information contained in the Government's report.

1. According to the report, the average remuneration for the first quarter of 1993 was 19,400 Ukrainian karbovanitzi for male workers and 16,800 for female workers. Figures for average monthly earnings broken down by reference to branch of the economy also show women systematically earning less than men. However, in those areas where female employees predominate or are a large proportion of the total workforce (particularly catering, financial services, public health and social security, education and communications), the Committee notes with interest that they earn only very slightly less than their male colleagues. For example, in catering where women make up 87.1 per cent of the total workforce, the average for a worker was 115,000, with women earning 112,000 karbovanitzi. The Committee notes the Government's statement that these figures do not reflect subsequent wage and salary increases.

Noting the information supplied in its earlier reports on measures taken to promote the implementation of the principle of equal remuneration for men and women for work of equal value, the Committee asks the Government to continue to supply statistical data on the actual earnings of men and women in the different branches of economic activity, together with the percentage of women employed in the occupations or sectors reflected in the statistics.

It would also appreciate receiving copies of any studies, inquiries or reports which attempt to investigate the wage differential between men and women workers, particularly from the point of view of the principle of equal pay. The Committee recalls, in this connection, the importance it attached to such research in its 1986 General Survey on Equal Remuneration where, at paragraph 248, it stated "in cases where inequalities of remuneration are noted between men and women, information regarding the nature of these inequalities is either insufficient or totally lacking. The available data do not in themselves make it possible to indicate the size, scope and nature of the inequalities, nor to assess the impact of measures taken to ensure the application of the principle of equal remuneration for work of equal value".

2. The Committee would also appreciate receiving up-to-date information on *Article 4 of the Convention*, according to which each ratifying State shall cooperate as appropriate with the employers' and workers' organizations concerned for the purpose of giving effect to the provisions of the Convention.

Convention No. 111: Discrimination (Employment and Occupation), 1958

Observation 1993

Ukraine (ratification: 1961)

!E-93-111-O-UKR

The Committee notes the information contained in the Government's report as well as information contained in a letter dated 2 December 1991 from the Permanent Representative of Ukraine to the United Nations Office in Geneva submitted to the 47th Session of the UN Commission on Human Rights (E/CN.4/1992/59) and the Twelfth Periodic Report of Ukraine submitted to the UN Committee on the Elimination of Racial Discrimination on 16 October 1992 (CERD/C/226/Add.3).

1. The Committee notes with satisfaction new section 2-1 of the Labour Code of Ukraine added in 1991 which guarantees equal employment rights for all citizens irrespective of their origin, social or material circumstance, race, nationality, sex, language, political and religious convictions, occupation, place of domicile or any other circumstance in accordance with the grounds set out in Article 1, paragraph 1(a), of the Convention and section 17 which makes it unlawful to deny an individual employment without proper justification.

2. The Committee notes with interest the adoption on 1 March 1991 of the Population Employment Act of Ukraine which, in section 3, guarantees to all citizens equal opportunities and the right of free choice of activities irrespective of origin, social and material circumstance, race, nationality, sex, age, political convictions and attitude toward religion, taking into account abilities and professional training, and which, in section 6, extends these guarantees to foreign persons residing permanently in Ukraine and to other non-citizens unless otherwise regulated by law.

3. The Committee also notes with interest the adoption of the Declaration of the Rights of Nationalities in Ukraine by the Supreme Council of Ukraine which, inter alia, provides that discrimination on grounds of national traits is prohibited and punishable by law (section 1) and which guarantees all peoples and national groups the right to make free use of their native languages in all areas of public life, including education, production and the acquisition and distribution of information (section 3). The Committee requests the Government to indicate the measures taken to implement these provisions of the Declaration and any impact it may have on the promotion of employment opportunities for minority groups in Ukraine.

4. The Committee notes the adoption on 17 April 1991 of the Law to Provide Rehabilitation to Victims of Political Repression in Ukraine and would be grateful if the Government would provide information on the measures taken to implement its provisions and the results achieved in respect of compensation for loss of employment and related benefits.

5. The Committee notes that a new draft Constitution of Ukraine is still in preparation which will, according to the Government, comply with the provisions of Article 1 of the Convention. It trusts that the Government will communicate a copy of the final version to the Office upon its adoption.

6. The Committee is raising other points in a request addressed directly to the Government.

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Convention No. 111: Discrimination (Employment and Occupation), 1958

Direct request 1993

Ukraine (ratification: 1961)

!E-93-111-R-UKR

The Committee notes that the Government's report contains no reply to its comments. It hopes that the next report will include full information on the following points.

1. Further to its observation and while noting with particular interest the inclusion in section 3 of the Population Employment Act, 1991, of all the grounds of discrimination set out in Article 1, paragraph 1(a), of the Convention, the Committee would be grateful if the Government would provide information on the meaning of the clause "taking into account abilities and professional training", so as to ensure that it does not impose limits on the guarantee of equal opportunities. Furthermore, noting the enabling provisions for supervisory authorities and liability for breach of the employment legislation, set out in sections 34 and 35 respectively, the Committee requests the Government to indicate the manner in which the application of the legislation is supervised and enforced, including any penalties or sanctions that may be imposed.

2. (i) The Committee previously noted the statistics supplied by the Government on the percentage of women employed in various sectors of activity, and of the percentage of women managers in state undertakings. It also noted the Government's indication that statistics are not available on the percentage of men and women in various managerial posts. In view of the importance of adequate statistical data to provide the basis for developing policies and measures to promote equality between men and women in employment, the Committee hopes that the Government will be able to collect more detailed statistics on the employment situation of women, and in particular statistics on the relative proportion of men and women at various levels of responsibility, including managerial and other levels of decision-making authority, in different sectors of activity, and that it will be able to provide such statistics in its future reports.

(ii) The Committee also requests the Government to provide information on the policies, programmes or other measures taken or pursued with a view to promoting equality of opportunity and treatment of men and women in employment and occupation, in regard to access to training; access to and security of employment; and terms and conditions of employment, particularly in the light of the adjustments which are taking place in the economy of Ukraine.

3. The Committee reiterates its request contained in its previous comments for detailed information on the policies and programmes now pursued with a view to promoting equality of opportunity and treatment in employment and occupation irrespective of race, religion or national extraction.

4. The Committee requests the Government to continue to provide information on any other measures taken or contemplated, particularly within the framework of the new legislation and of the reforms in the country's institutions and economic system which directly or indirectly impact upon equality of opportunity and treatment in employment or occupation as provided for in the Convention.

Convention No. 111: Discrimination (Employment and Occupation), 1958

Direct request 1993

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5. The Committee requests the Government to indicate the manner in which it seeks the cooperation of employers' and workers' organizations and other appropriate bodies in securing application of the Convention.